

## Political Activities of Federal Civilian Employees and Military Personnel

### 1. References:

- a. 5 U.S.C. § 3303
- a  
b. 5 U.S.C. §§ 7321-7326
- c. 18 U.S.C. § 603
- d. 18 U.S.C. § 607
- e. 32 U.S.C. §§ 316 and 502-505
- f. 5 C.F.R. Part 733, Political Activities of Federal Employees
- g. DOD 5500.7-R, The Joint Ethics Regulation
- h. Department of Defense Directive (DODD) 1344.10, Political Activities of the Armed Forces on Active Duty, 15 June 1990 (with change 1 dated 7 January 1994)
- i. DEPSECDEF Memorandum, subject: Civilian Employees' Participation in Political Activities, 7 February 2000
- j. Army Regulation (AR) 600-20, Army Command Policy, 15 July 1999, paragraph 5-3

2. The references listed above regulate political activities for Federal Civilian Employees and Military Personnel. I have summarized how they apply below. Restrictions that apply to General Officers and members of the Senior Executive Service are addressed in a separate memorandum.

### 3. Political Activities of Federal Civilian Employees:

a. As authorized by the Hatch Act, all Federal civilian employees may engage in the following activities in their personal capacity:

- (1) Run for public office in nonpartisan elections (ones in which none of the candidates are affiliated with any political party);
- (2) Register and vote as they choose;
- (3) Assist in voter registration;
- (4) Express opinions about candidates and issues;

- (5) Contribute money to political organizations;
- (6) Attend political fundraising;
- (7) Attend events sponsored by political party or club;
- (8) Join and be an active member of a political party or club;
- (9) Sign nominating petitions;
- (10) Campaign for or against referendum questions, constitutional amendments, or municipal ordinances;
- (11) Campaign for or against candidates in partisan elections;
- (12) Make campaign speeches for candidates in partisan elections;
- (13) Distribute campaign literature in partisan elections;
- (14) Hold office in political clubs or parties.

b. Federal civilian employees may **not** do the following:

- (1) Use their official authority or influence for the purpose of interfering with or affecting the result of an election;
- (2) Run for the nomination or as a candidate for election to a partisan political office;
- (3) Knowingly solicit, accept, or receive a political contribution from a subordinate (an employee under the supervisory authority, control or administrative direction of the other employee);
- (4) Make a political contribution to any “employer or employing authority” meaning any person in the supervisory chain of command, this does not include the Vice President’s campaign for President;
- (5) Engage in political activity while on duty (this includes wearing political buttons while on duty);
- (6) Engage in political activity while in any room or building while in the discharge of official duties;

(7) Engage in political activity while wearing a uniform or official insignia (to include military uniforms commonly worn by technicians);

(8) Engage in political activity using a U.S. Government owned or leased vehicle;

(9) Intimidate, threaten, command, or coerce a Federal employee to engage in, or not to engage in, political activity;

c. Federal civilian employees who live in the District of Columbia (DC), designated areas of Virginia and Maryland, and other designated areas where the majority of voters are employed by the Federal Government may:

(1) Run as independent candidates in partisan elections for local office of the designated municipality or political subdivision.

(2) Accept or receive political contributions in connection with those local elections, but they may not solicit political contributions from the general public.

In addition to DC and parts of Maryland and Virginia, the other designated communities are Anchorage, AK; Benecia, CA; Bremerton, WA; Elmer City, WA; Port Orchard, WA; Centerville, GA; Warner Robbins, GA; Crane, IN; Huachuca City, AZ; Sierra Vista, AZ; New Johnsonville, TN; and Norris, TN. For specific areas of Virginia and Maryland, please call the CECOM Staff Judge Advocate Division.

#### 4. Political Activities of Military Personnel:

a. The political activities of officers and enlisted members of the Active Army, U.S. Army Reserve (USAR), and the Army National Guard (ARNG) are governed by DODD 1344.10 and AR 600-20, paragraph 5-3. The Hatch Act does not apply to military members.

(1) The restrictions in AR 600-20 apply to soldiers on active duty, which is defined as full-time duty in the active military service of the United States without regard to duration or purpose, including active duty for training, annual training, attendance at military schools, and full time National Guard duty. These restrictions do not apply to inactive duty for training, or to National Guard soldiers serving in state status.

(2) Commissioned, noncommissioned, or warrant officers of the United States Army may not use military authority to influence or attempt to influence the vote of a

member of the Armed Forces, or require a member to march or attempt to require a member to march to a polling place (18 U.S.C. § 609).

(3) Members of the Armed Forces on active duty generally may not campaign for, or hold, elective civil office in the Federal Government, or the government of a state, territory, the District of Columbia, or any political subdivision thereof (10 U.S.C. § 973).

b. Soldiers on active duty may:

(1) Register, vote, and express their opinions on political candidates and issues, but not as representatives of the Armed Forces;

(2) Attend partisan and nonpartisan political meetings or rallies as spectators; however, they may not attend in uniform, during duty hours, when violence is likely to occur, or when their activities constitute a breach of law and order;

(3) Make monetary contributions to a political organization, but not to other members of the Armed Forces on active duty or employees of the Federal Government, and subject to the following:

(a) 18 U.S.C. § 607 prohibits anyone “receiving any salary or compensation for services from money derived from the treasury of the United States” to solicit a political contribution from any other such person.

(b) 18 U.S.C. § 603 prohibits officers and employees of the Federal Government, and anyone “receiving any salary or compensation for services from money derived from the treasury of the United States” from making a political contribution to any other such person who is the “employer or employing authority” of the contributor. This prohibits both contributions to the individual and to the individual’s campaign committee, but does not prohibit contributions to political parties.

(4) Encourage other military members to vote;

(5) Serve as an election official, if such service: is not in uniform, does not interfere with military duties, and has the prior approval of the installation commander;

(6) Sign a petition for legislative action or to place a candidate’s name on the ballot but only in the soldier’s personal capacity;

(7) Write a letter to the editor expressing personal views, and place bumper stickers on cars (but not large banners or posters);

c. Soldiers on active duty may not:

(1) Use their official authority or influence to interfere with an election, solicit votes for a particular candidate or issue, or require or solicit political contributions from others;

(2) Participate in partisan political management, campaigns or conventions;

(3) Write and publish partisan political articles that solicit votes for or against a partisan political party or candidate, speak before partisan political gatherings, or participate in partisan political radio or television shows;

(4) Serve in any capacity or be listed as a sponsor of a partisan political club;

(5) Distribute partisan political literature or conduct a political opinion survey under the auspices of a partisan political club;

(6) Use contemptuous words against the President, Vice President, Congress, the Secretaries of the military departments, Defense, or Transportation, and the governors or legislatures of any state or territory where the soldier is on duty;

(7) Engage in fund-raising activities for partisan political causes on military reservations or in Federal offices or facilities;

(8) Attend partisan political events as an official representative of the armed forces;

5. Soldiers Running for Office:

a. Enlisted members not on extended active duty (EAD is active duty under a call to orders or an order in excess of 180 days) and USAR and ARNG officers who are not on active duty may be candidates for and hold elected offices.

(1) They may not wear uniforms when engaged in any activity in furtherance of a political interest. Wearing Army uniforms is never allowed when engaged in political activity, whether or not a person is on duty and regardless of his or her status.

(2) They may hold elected office in a personal capacity.

(3) They may not hold office that interferes with their official military duties.

b. Enlisted soldiers on active duty, including USAR and ARNG, except as outlined below, may not campaign for or hold elected office in the U.S. Government or the government of any state.

(1) Enlisted members on extended active duty may seek and hold nonpartisan civil office (an election in which none of the candidates are affiliated with a political party) as a notary public, member of a school board, neighborhood, neighborhood planning commission, or similar local agency as long as the office is held in their private capacity and does not interfere with military duties.

(2) Installation commanders may allow a soldier to file for elective office, but this does not authorize prohibited partisan political activity.

#### 6. Campaign Related Activities on CECOM Installations:

a. Inquiries from political campaigns should be treated as queries from the general public and should be referred to the Public Affairs Office. Do not comment or expand on Department of the Army or CECOM policy.

b. Installation commanders should not permit the use of installation facilities by any candidate for political assemblies or meetings; media events, including speeches; fund raising activities for political candidates or partisan causes, press conferences, or any other activity that could be construed as political in nature.

c. Members of Congress may visit installations but may not use these visits to campaign for re-election. Non-incumbent candidates for election may be afforded the same access to CECOM installations as the general public but may not use the installation to campaign.

d. Armed Forces involvement in political events is strictly forbidden. All requests for support to political meetings must be denied.

e. The placement of political signs or advertisements in yards on post housing is strictly prohibited.

6. Point of Contact for this action is CPT Robert Paschall, (732) 532-9798, DSN 992-9798, CECOM Legal Office.